

***NATIONAL WEATHER SERVICE INSTRUCTION 1-208
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***Administration and Management
Delegation of Authority, NWSPD 1-2***

DELEGATION OF AUTHORITY FOR FOOD/LODGING EXPENDITURES

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Delegation of Authority for Food/Lodging Expenditures

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1. Introduction. The Department of Commerce Office of General Counsel rendered a legal opinion dated January 18, 2002, concluding the National Weather Service (NWS) has authority, under limited circumstances, to use appropriated funds to purchase food and/or lodging for employees who must remain at their official duty stations during severe weather emergencies/disaster situations.

General Counsel's opinion supercedes a 1999 Decision Memorandum by Joseph T. Smith, Management and Organization Branch, NWS, which found the NWS Director did not have authority to purchase food or lodging for employees during severe weather emergencies or disasters.

2. NWS Delegation of Authority. NWS Financial Management Centers (FMCs) may authorize an exception to the general rule against purchasing food and/or lodging for employees under the limited circumstances outlined in NWS policy guidance, dated March 2002, and as described below. This authority may be redelegated to facility heads (e.g., meteorologists-in-charge, hydrologists-in-charge) within each organization.

3. NWS Policy Guidance for the Expenditure of Food, Lodging, and Advance Purchase of Emergency Supplies During Weather Emergencies or Disasters.

3.1 Major Weather Emergency/Disaster. The provision of food and lodging may be authorized by an FMC upon making all of the following determinations:

- a. To carry out the NWS's critical responsibilities to forecast weather and issue storm warnings, it is necessary to staff an office throughout an emergency;

- b. The emergency involves danger to human life or the possibility of destruction of Federal property; and
- c. To staff an office, it is necessary to provide meals and lodging to employees who must work during the emergency.

For example, where weather conditions are of such an extreme and unusual nature as to prevent employees from leaving an office, and the office must be staffed on a 24-hour basis during an emergency involving danger to human life and Federal property, NWS funds may be used to provide food and lodging to the affected employees.

3.2 Advance Purchases for Emergency Preparedness. Whether food and supplies may be purchased in advance and stored on site depends upon whether an FMC determines such expenditure is a necessary expense. For example, under Executive Order 12656, NWS is required to "...be prepared to respond adequately to all national security emergencies, including those that are international in scope, and those that may occur in any region of the Nation." This may include making provision to staff an office throughout an emergency to provide necessary meteorological information. The advance purchase and storage of food and other supplies (including cots/blankets) may be appropriate to ensure employees who must work throughout the emergency will remain at their duty stations. The decision to expend funds to purchase food and supplies in advance should be made for each NWS office depending upon the particular circumstances of the office, such as its size and location in a remote area.

4. Accountability and Reporting of Expenditures. Each FMC is accountable for its usage of these expenditures and reports annually (by October 31 for previous fiscal year) to CFO3 - Management and Organization Division on Food, Lodging, and Advance Purchase Expenses.